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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : CARRIGAN, Lori L.
SERIAL NO : 09/489,225
FILED : JANUARY 21, 2000
TITLE : HYBRID MAIZE PLANT & SEED 38T27

Grp./A.U. : 1638
Examiner : MEHTA, ASHWIN D.
Conf. No. : 5584
Docket No. : P04355US00

PRELIMINARY AMENDMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated May 2, 2003, a Notice of Allowance, it is respectfully requested that this Preliminary Amendment and Request for Continued Examination (RCE) be entered and made of record. It is believed that the following amendments and remarks place the application in form for allowance, or at least, place the claims in a better form for Appeal. No new matter is presented, as such the amendment is proper under 37 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

Introductory Comments

Claims 1-42 are pending in the present application.

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 4th day of August, 2003.


Patricia E. Wilson
Express Mail Label # EV 330572455 US

AMERICAN TYPE CULTURE COLLECTION
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: 703-365-2700
Fax: 703-365-2745

FACSIMILE

Date: May 9, 2002

From: ATCC Patent Depository

REFERENCE: Patent Deposit

Hybrid corn (maize) seed, Source C3CHA11099-00 PDF: 38T27 assigned PTA-4270

Date of Deposit: May 3, 2002.



Marie Harris, Patent Specialist
ATCC Patent Depository

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TOTAL P.01



ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Jean M. Bromert
7100 NW 62nd Avenue, P.O. Box 1000
Johnston, IA 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

February 3, 2000

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

NW961W2 PL, GE501400

PTA-1282—

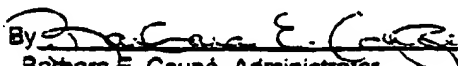
The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer. We will inform you of requests for the seeds for 30 years from date of deposit. The seeds were tested February 9, 2000 and were viable.

American Type Culture Collection

By 
Barbara E. Coupé, Administrator
ATCC Patent Depository

Date: February 9, 2000



02-05-03

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For
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/489,225
Filing Date	January 21, 2000
First Named Inventor	CARRIGAN, Lori L.
Art Unit	1638 ✓
Examiner Name	Mehta, Ashwin D.
Attorney Docket Number	P04355US00

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(a) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 26-0084

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 08/06/2003 EFLORES 00000106 09489225

iii. ☐ Other 01 FC:1801 750.00 OP

b. ☒ Check in the amount of \$ 750.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Edmund J. Sease	Registration No. (Attorney/Agent)	24,741
Signature	<i>Edmund J. Sease</i>	Date	August 4, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Edmund J. Sease	Date	August 4, 2003
Signature	<i>Edmund J. Sease</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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